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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney of: Luban et al.

Serial No.: 10/043,621

Group Art Unit: TBA

Filed: January 11, 2002

Examiner: TBA

For: CUSTOMER LOYALTY PROGRAMS  
AND SYSTEMS AND METHODS FOR SUCH  
PROGRAMS

Attorney Docket No.: 10031-007

**ADDITIONAL INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

**1. Enclosures accompanying this Information Disclosure Statement are:**

- 1a.  A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of:
  - Each U.S. patent application publication and U.S. and foreign patent;
  - Each publication or that portion which caused it to be listed on the PTO-1449;
  - For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
  - all other information or portion which caused it to be listed on the PTO-1449.
- 1c.  An English language copy of search, report(s) from a counterpart foreign application or PCT International Search Report.
- 1d.  Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2.  This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

- Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- Before the mailing of the first Office action on the merits;
- Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3.  This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application. *(Check either Item 3a or 3b)*

3a.  The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b.  The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

- enclosed
- to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

*(Item 3b to be checked if any reference known for more than 3 months)*

4.  This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee. The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- enclosed.
- to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5.  Certification Statement *(applicable if Item 3a or Item 4 is checked)* *(Check Item 5a or 5b)*

5a.  In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b.  In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6.  This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d). *(Check appropriate Items 6a, 6b and/or 6c)*

6a.  A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

6b.  Copies of publications listed on Form PTO-1449 or PTO-892 from prior application Serial No. 09/400,417, filed on September 21, 1999, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).

6c.  Copies of the publications listed on Form PTO-1449 that were not previously cited in prior application Serial No. 09/400,417, filed on September 21, 1999, and are provided herewith.

7.  This is a Supplemental Information Disclosure Statement. (Check either Item 7a or 7b)

7a.  This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on \_\_\_. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on \_\_\_.

7b.  This Supplemental Information Disclosure Statement is timely filed within one (1) month of a PTO Notice under 37 C.F.R. §1.97(i).

8.  In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is: (Check Item 8a, 8b, or 8c)

8a.  satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.

8b.  set forth in the application.

8c.  enclosed as an attachment hereto.

9.  The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.

10.  No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date 4/19/02

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<b>LIST OF REFERENCES CITED BY APPLICANT</b> <small>(Use several sheets if necessary)</small>				ATTY. DOCKET NO. 10031-007	APPLICATION NO. 10/043,621
				APPLICANT Luban et al.	
				FILING DATE January 11, 2002	GROUP TBA

APR 19 2002

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PATENT &amp; TRADEMARK OFFICE

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	6,070,153	May. 2000	Simpson	705	36	
AB	6,064,985	05/16/00	Anderson	705	36	
AC	6,012,045	Jan. 2000	Barzilai et al.	705	37	
AD	5,991,736	11/23/99	Ferguson et al.	705	14	
AE	5,970,480	10/19/99	Kalina	705	37	
AF	5,956,695	09/21/99	Carrithers et al.	705	14	
AG	5,924,072	07/13/99	Havens	705	1	
AH	5,923,018	07/13/99	Kameda et al.	235	385	
AI	5,923,016	07/13/99	Fredregill et al.	235	380	
AJ	5,915,244	06/22/99	Jack et al.	705	14	
AK	5,915,007	06/22/99	Klapka	379	144	
AL	5,897,622	04/27/99	Blinn et al.	705	26	
AM	5,897,620	04/27/99	Walker et al.	705	5	
AN	5,892,827	04/06/99	Beach et al.	380	24	
AO	Re. 36,116	02/23/99	McCarthy	705	16	
AP	5,855,008	12/29/98	Goldhaber et al.	705	14	
AQ	5,848,396	12/08/98	Gerace	705	10	
AR	5,832,457	11/03/98	O'Brien et al.	705	14	
AS	5,819,228	10/06/98	Spiro	705	2	
AT	5,806,045	09/08/98	Biorge et al	705	14	
AU	5,794,210	08/11/98	Goldhaber et al.	705	14	
AV	5,794,207	08/11/98	Walker et al.	705	23	
AW	5,787,404	07/28/98	Fernandez-Holmann	705	35	
AX	5,774,870	06/30/98	Storey	705	14	
AY	5,765,141	03/09/98	Spector	705	14	
AZ	5,761,648	06/02/98	Golden et al.	705	14	
BA	5,749,785	05/12/98	Rossides	463	25	
BB	5,734,838	03/31/98	Robinson et al.	395	214	
BC	5,734,722	03/31/98	Halpern	380	49	
BD	5,734,476	03/31/98	Dlugos	356	380	

BE	5,733,131	03/31/98	Park	434	307	
BF	5,729,693	03/17/98	Holda-Fleck	395	214	
BG	5,724,424	03/03/98	Gifford	380	24	
BH	5,716,273	02/10/98	Yuen	463	29	
BI	5,715,403	02/03/98	Stefik	395	244	
BJ	5,715,398	02/03/98	Lubenow et al.	395	207	
BK	5,715,314	02/03/98	Payne et al.	380	24	
BL	5,713,795	02/03/98	Kohorn	463	17	
BM	5,712,990	01/27/98	Henderson	395	228	
BN	5,708,780	01/13/98	Levergood et al.	395	200.12	
BO	5,704,366	01/06/98	Tacklind et al.	128	716	
BP	5,697,844	12/16/97	Von Kohorn	463	40	
BQ	5,689,100	11/18/97	Carrithers et al.	235	380	
BR	5,687,322	11/11/97	Deaton et al.	395	214	
BS	5,687,286	11/11/97	Bar-Yam	395	2.41	
BT	5,671,334	09/23/97	Lynne	395	21	
BU	5,652,421	07/29/97	Veeneman et al.	235	381	
BV	5,649,114	07/15/97	Deaton et al.	395	214	
BW	5,638,457	06/10/97	Deaton et al.	382	100	
BX	5,612,868	03/18/97	Off et al.	364	214	
BY	5,588,649	12/31/96	Blumberg et al.	436	18	
BZ	5,537,314	07/16/96	Kanter	364	406	
CA	5,513,102	04/30/96	Auriemma	364	408	
CB	5,502,636	03/26/96	Clarke	364	401	
CC	5,483,444	01/09/96	Heintzman et al.	364	401	
CD	5,467,269	11/14/95	Flaten	364	401	
CE	5,353,218	10/04/94	DeLapa et al.	364	401	
CF	5,297,026	02/22/94	Hoffman	364	408	
CG	5,287,268	02/15/94	Mccarthy	364	405	
CH	5,233,514	08/03/93	Ayyoubi et al.	364	408	
CI	5,202,826	04/13/93	McCarthy	364	405	
CJ	5,200,889	04/06/93	Mori	364	401	
CK	5,193,056	03/09/93	Boes	364	408	
CL	5,173,851	12/22/92	Off et al.	364	401	
CM	5,117,355	05/26/92	McCarthy	364	405	
CN	5,113,482	05/12/92	Lynne	395	23	
CO	5,056,019	10/08/91	Schultz et al.	364	405	

	CP	5,023,372	06/18/91	Burton	364	406	
	CQ	4,992,940	02/12/91	Dworkin	364	401	
	CR	4,910,672	03/20/90	Off et al.	364	405	
	CS	4,750,119	06/07/88	Cohen et al.	364	401	
APR 19 2002	CT	4,723,212	02/02/88	Mindrum et al.	364	401	
	CU	09/280,212		Palcic et al.			03/29/99

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	CV 1 565 286	04/16/80	Great Britain				
	CW 0 308 224	03/22/89	EP				
	CX WO 93/12489	06/24/93	PCT				
	CY WO 94/04979	03/03/94	PCT				
	CZ WO 98/38562	09/03/98	PCT				
	DA WO 99/49405	09/30/99	PCT				

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

DB	M. Mannix, "The Rebate Revolution", U.S. News & World Report, May 31, 1993.
DC	G. Colter, "Smart Money Hesitates Before Fidelity Offer - New Credit Card Helps Users Purchase Firm's Funds; Buyer Beware, Some Say," B4G, The Wall Street Journal, May 27, 1994
DD	Anonymous, Three Marketeers: Discover Acer, October 26, 1998, Business/Technology Editors.
DE	O'Reilly, Mark, Extending employee stock plans outside the United States, <date>, Benefits Quarterly, p. 43-48.
DF	"They're Your eyeballs - Own them!", <a href="http://myownempire.com/">http://myownempire.com/</a> , May 24, 1999.
DG	M. Maruyama et al., "SAVEDAILY.COM Redefines personal Savings With Unprecedented Online Investment Model - Sneak Preview at Internet World in New York Official Launch, October 18, 1999", October 1, 1999
DH	Verkerka, Mark, "Despite Yellow Flags, New Internet Portal Plans to Give Away Stock", San Francisco Chronicle, Wednesday, April 1999, page D-1.
DI	"GM Card". Five pages, including "Frequently Asked Questions", copied on 20 December 2000 from <a href="https://www.gmcard.com/generic/a_indexabout.html">https://www.gmcard.com/generic/a_indexabout.html</a>
DJ	"hcsapplication": "Answers to your questions about The New GM card" copied on 20 December 2000 from <a href="https://www.hcsapplication.com/ecah3297.html">https://www.hcsapplication.com/ecah3297.html</a>
DK	"Detroit News": Article dated 9 January 1996 copied on 20 December 2000 from <a href="http://www.detnews.com/menu/31368.htm">http://www.detnews.com/menu/31368.htm</a>
DL	<a href="http://www.netcentives.com">www.netcentives.com</a>
DM	<a href="http://www.smartfrog.com">www.smartfrog.com</a>
DN	<a href="http://www.mypoints.com">www.mypoints.com</a>
DO	<a href="http://www.247media.com">www.247media.com</a>
DP	<a href="http://www.alladvantage.com">www.alladvantage.com</a>
DQ	<a href="http://www.beenz.com">www.beenz.com</a>
DR	<a href="http://www.coolsavings.com">www.coolsavings.com</a>

	DS	www.cybergold.com
	DT	www.ebates.com
	DU	www.ecentives.com
	DV	www.freeride.com
O 1 P E APR 9 2002 PATENT & TRADEMARK OFFICE SC 11	DW	www.klickback.com
	DX	www.hotcoupons.com
	DY	www.realtimemedia.com
	DZ	www.webstakes.com
	EA	www.catalinamarketing.com
EXAMINER		DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.